

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 17, 2002
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:00 p.m. by Mayor Marshall, who presided. Mrs. Marshall noted that Council was in executive session since 6:00 p.m. discussing one item of property acquisition and one item of pending litigation. At the end of the regular session, Council will return to executive session to discuss two additional items.

2. Roll Call, Flag Salute

Upon roll call by the Assistant City Manager, all Councilmembers were present. Mr. Creighton led the flag salute.

(a) Bellevue Historical Society presentation of \$4,000 to City for Downtown Markers

Patrick Foran, Parks and Community Services Director, introduced Karen Klett of the Eastside Heritage Center. Ms. Klett said the Eastside Heritage Center/Bellevue Historical Society Committee was pleased to participate in this project to place historical markers at the former site of Union High School in the current Downtown Park. She thanked Annie and Bob Stevenson, who led this effort and collected \$4,000 in contributions from their classmates. Ms. Klett thanked Todd Mitchell, Parks Capital Projects Coordinator, and Mary Ellen Piro, Eastside Heritage Center/Bellevue Historical Society, for their support and design of the historical plaques. The plaques will be dedicated at the Annual Strawberry Festival at the Winters House on Thursday, June 20. Ms. Klett invited Council and the public to attend. The plaques will be placed in Downtown Park in early July.

Mrs. Stevenson, on behalf of the Union High School, Overlake Elementary School, and Bellevue Grade School alumni (Classes 1940 through 1949), presented a \$4,000 check to the City to commemorate the memory of the schools formerly located on the Downtown Park property.

Mrs. Stevenson thanked the alumni, the Parks Department, Eastside Heritage Center, Karen Klett, Mary Ellen Piro, and Todd Mitchell for making the historical markers possible.

3. Communications: Written and Oral

- (a) John Albertson voiced opposition to the widening of surface arterials through residential areas. He thanked the City Clerk's Office and records staff for their professionalism and courtesy but objected to the City's delay in providing records about the Downtown Implementation Plan Citizen Advisory Committee. He said records he requested on May 9 will not be available until July 12 because the City Attorney must review them. Mr. Albertson said any roadway widening will permanently damage property values. He questioned whether road widening will benefit the public good.
- (b) Wilder Dominick, Head of Open Window School, asked Council to reconsider the decision of February 2001 denying the school's conditional use permit application.
- (c) Bill Serr said he does not expect Referendum 51 to do well in the fall election. He expressed concern about the poor condition of a private street near Crossroads Shopping Center and the golf course.
- (d) Patricia Montgomery, who lives next to the current Meydenbauer Bridge project, commended Mowat Construction personnel for their courtesy and responsiveness during construction. She praised Maher Welaye, Transportation Project Manager, for returning her phone calls and keeping her updated on the project.
- (e) Peter Frame, President of Cougar Mountain Residents Association, asked Council to not take any action tonight regarding the reconsideration of the Open Window School conditional use permit.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy suggested moving item 5(b) to section 12, Unfinished Business, and Council agreed.

6. Council Business

- ➡ Deputy Mayor Degginger moved to appoint John Chelminiak to fill an unexpired term on the Planning Commission ending May 31, 2005. Mr. Noble seconded the motion.
- ➡ The motion to appoint John Chelminiak to fill an unexpired term on the Planning Commission ending May 31, 2005, carried by a vote of 7-0.

- Mr. Creighton moved to appoint Merle Keeney to serve a four-year term on the Parks and Community Services Board ending May 31, 2006. Mr. Noble seconded the motion.
- The motion to appoint Merle Keeney to the Parks and Community Services Board carried by a vote of 7-0.

Mr. Lee referenced a letter to the King County Council regarding Bellevue City Council's support of the regional transportation package (Referendum 51). He feels the letter should have included an emphasis on the use of new technologies. Mayor Marshall noted that Council's consensual position is reflected in the letter.

7. Approval of the Agenda

- Deputy Mayor Degginger moved to approve the agenda, and Mr. Mosher seconded the motion.

Mr. Noble requested the addition of an agenda item to discuss the Open Window School conditional use permit application. Mr. Lee recused himself from participation in the Open Window School matter and temporarily left Council Chambers.

Mr. Noble made the following disclosure of ex parte communications regarding Open Window School. Prior to the February 12, 2001, City Council meeting, Mr. Noble received numerous emails from citizens on both sides of the issue, most of which were addressed to the entire Council and the City Clerk. He read only one of the emails, which was from David Herbig, a longtime acquaintance of Mr. Noble's. The substance of the email was that Mr. Herbig's child had attended the school for six years, the school provides specialized education for gifted children, the school is a good corporate citizen with dedicated parental support, and the school currently goes through fifth grade but the new school would go through eighth grade. Mr. Herbig said the school has passed all building requirements and it would be a travesty if the project were blocked by a few neighbors. He urged Mr. Noble to reconsider and offered to provide additional information. Mr. Noble did not respond to the email.

Also prior to the February 12 Council meeting, Mr. Noble had one oral communication with another acquaintance, Troy Roper, who wanted to talk about the issue. Mr. Noble told Mr. Roper he could not discuss the matter and the conversation was terminated. Mr. Noble had no further ex parte contacts regarding Open Window School after February 12, 2001, and until March 19, 2001, except for emails to the entire Council, which were forwarded to the City Clerk. After the March 19 vote on the ordinance approving the conditional use permit and up until today, Mr. Noble received a number of emails. He read some of the emails and they contained thank-you's or words to that effect. None of the emails contained any substantive comments. He received other emails on the subject that he did not open.

Dr. Davidson received emails regarding Open Window School addressed to the entire Council and City Clerk. He did not read any of the emails. Dr. Davidson has had no other communications whether oral, written, voicemail, or electronic regarding the Open Window School matter.

Mr. Creighton said prior to the Council's approval of the conditional use permit on March 19, 2001, he received many emails about Open Window School addressed to the entire Council and City Clerk. He did not read any of the emails. He received the email from Mr. Herbig but did not open it. After the time for reconsideration passed following the Council meeting of March 19, Mr. Creighton received a number of emails thanking him for his vote. He read and deleted them, noting that none contained any substantive information or discussion of the merits of the appeal. Since March 19, 2001, Mr. Creighton does not recall receiving any other communications whether oral, written, voicemail, or electronic regarding Open Window School conditional use permit. He may have received some emails that went to the entire Council, but he did not open or read any of them. If he opened any, he closed and deleted them after seeing the subject.

Mr. Mosher received many emails about Open Window School that were addressed to the entire Council and the City Clerk. Emails he identified as being about the school and the conditional use permit were sent to the Clerk without reading them. Mr. Mosher does not recall reading any substantive information about the merits of the appeal. He received some emails addressed only to him. Those immediately recognizable as being about Open Window School were forwarded to the City Clerk. Other emails that did not readily identify the school as the subject were closed and forwarded to the Clerk as well without Mr. Mosher reading them. He did not recall reading anything about the substance or merits of the application in any of the emails, although some encouraged a vote one way or the other. Mr. Mosher has had no other oral, written, voicemail, or electronic communications regarding the Open Window School conditional use permit.

Deputy Mayor Degginger said prior to February 12, 2001, he received numerous emails from citizens on both sides of the Open Window School issue. Most of the emails were addressed to the entire Council and City Clerk. He did not read them. Prior to the February 12 meeting, Mr. Degginger received a voicemail message from Mr. Mark Gregoire, possibly in July 2000, inviting him to tour the area of the school. Mr. Degginger did not return the call. He attended a presentation on the application in May 2000, before the appeal of the Hearing Examiner's decision was filed. The presentation was at Cougar Ridge Elementary and Mr. Degginger was at the school for another matter. He attended only part of the presentation.

After February 12, Mr. Degginger received many emails addressed to Council and City Clerk. He did not read any of the emails. He received and opened some emails that did not identify the school as the subject, then closed and forwarded them without reading them to the City Clerk. Mr. Degginger does not recall anything of substance in the emails about the application. After February 12, 2001, and until the Council's vote on the ordinance approving the conditional use permit on March 19, 2001, Mr. Degginger read no other emails and had no other ex parte contacts regarding the issue. A few weeks after March 19 and shortly before the residents association filed its appeal to Superior Court, Mr. Gregoire dropped by Mr. Degginger's house unannounced and left a packet of information regarding traffic on Cougar Mountain Way and the vicinity. Mr. Gregoire discussed some of the documents with Mr. Degginger, but Mr. Degginger does not recall what he said and did not read any of the documents himself. Mr. Degginger recalled thinking at the time that nothing Mr. Gregoire said was significantly different from what he had learned from the record for the conditional use permit appeal.

In September 2001, shortly after the court ruled on the first lawsuit brought by the residents association, Mr. Degginger received an email from Jim Adcock about the matter. The email was forwarded to the City Clerk and Mr. Degginger did not read it.

Mayor Marshall said prior to February 12, 2001, she received many emails addressed to the entire Council and City Clerk. She did not read any of the emails received after the appeal to the City Council was filed. She may have opened some of the emails, but once she saw they were about the pending appeal, she closed and forwarded them to the City Clerk. She does not recall reading anything of substance about the appeal in any of them. Prior to the appeal of the Hearing Examiner's decision by the residents association, Mrs. Marshall met with residents of the area and toured the area. They discussed many issues including traffic and the proposed school. She formed no opinions at that time about the application for a conditional use. Later Mrs. Marshall was contacted by residents association members about their possible appeal of the Hearing Examiner's decision. They did not discuss details of the application or appeal. Mrs. Marshall set up a meeting with them but canceled it after the City Clerk informed her the matter was quasi-judicial.

During the months prior to the first Council hearing in October 2000, Mrs. Marshall was contacted by a representative of Open Window School. At that time, she repeated a prior suggestion she had made that the school contact King County Metro about possible solutions to the traffic issues raised by residents. Mrs. Marshall hoped the parties would be able to work out their differences. She had not at any time prior to the hearing on February 5, 2001, made up her mind on any issue related to the conditional use permit application because she knew she was expected to keep an open mind and decide the appeal based on the record before the Council, which she did. After Council voted in March 2001 to grant the conditional use permit, Mrs. Marshall hugged Mr. Vradenburg from the school and told him she assumed he would be a good neighbor as he and other school representatives have promised. Mrs. Marshall said they had no substantive discussion regarding the matter.

Several weeks later, shortly before the residents appealed the Council's decision to Superior Court, Mark Gregoire dropped by Mrs. Marshall's house unannounced and left a packet of material. He said it was about traffic on Cougar Mountain Way and they did not discuss the content. Mrs. Marshall forwarded the packet to the City Attorney's Office without reading it. She received a couple of other emails since then regarding the school's application. She did not read them and forwarded them to the City Clerk. Mrs. Marshall said she has not had any other communications whether oral, written, voicemail, or electronic regarding Open Window School.

Mayor Marshall asked whether any party or audience member would like to inquire further of a Councilmember regarding any disclosure or offer rebuttal to the information presented. No one came forward to question disclosures or offer rebuttal testimony.

Mr. Noble provided additional background information. On February 5, 2001, City Council voted to grant an appeal from a decision of the City's Hearing Examiner approving the conditional use permit application of Open Window School and voted to deny the conditional use permit. On February 12, 2001, Council reconsidered its action of the previous week, undoing its denial of the permit. On March 5, 2001, Council voted to approve the conditional

use permit. Council adopted Ordinance No. 5287 on March 19, 2001, approving the permit with conditions. Council's approval of the permit was appealed to Superior Court and on September 21, 2001, it was overturned on procedural grounds and returned to City Council for further action.

On September 24, 2001, a motion for reconsideration was made and seconded and the matter was then postponed until October 1, 2001. On October 1, Council voted to reconsider its granting of the appeal and denial of the permit, and then voted to deny the appeal and approve the permit with further conditions. On October 8, 2001, Council adopted Ordinance No. 5322 denying the appeal and granting the conditional use permit with conditions. That decision was also appealed to Superior Court and on June 12, 2002, Superior Court entered its order overturning Council's actions of September 24, October 1, and October 8, 2001, and remanded the matter again to City Council for further action.

Mr. Noble said he has been advised by the City Attorney that this meeting is the next regular meeting after Council's February 5, 2001, decision to grant the appeal of the Cougar Mountain Residents Association. Council's rules allow a motion for reconsideration at the same or next regular meeting of a particular action.

- Mr. Noble moved to add as agenda item 7(a) a motion to reconsider Council's action of February 5, 2001, granting the appeal of the Cougar Mountain Residents Association and denying the application of the Open Window School for a conditional use permit. Mayor Marshall seconded the amendment.
- ➡ The motion to approve the agenda, as amended, carried by a vote of 6-0 with Mr. Lee absent from Council Chambers.
 - (a) Motion for Reconsideration of the February 5, 2001, action by City Council regarding Open Window School

Mayor Marshall said this item is the motion for reconsideration of the February 5, 2001, action by City Council granting the appeal of the Cougar Mountain Residents Association from the Hearing Examiner's decision approving a conditional use application for Open Window School, with conditions. She noted that Councilmember Lee has recused himself from participation in the matter and left Council Chambers. Councilmembers have disclosed any ex parte contacts concerning the matter and the audience has had the opportunity to inquire further and to offer rebuttal.

- ➡ Mr. Noble moved to reconsider Council's action of February 5, 2001, granting the appeal of the Cougar Mountain Residents Association and denying the application of Open Window School for a conditional use permit.
- ➡ The motion to reconsider Council's action of February 5, 2001, granting the appeal of the Cougar Mountain Residents Association in reference to Open Window School's conditional use permit application carried by a vote of 5-1, with Mr. Degginger dissenting.

Mayor Marshall clarified that the appeal is back on the table for a decision. Options for motions include: 1) grant the appeal, 2) grant the appeal with modifications, 3) deny the appeal and grant the conditional use permit as approved by the Hearing Examiner, or 4) deny the appeal and grant the conditional use permit with further conditions.

- ➡ Dr. Davidson moved to deny the appeal of Cougar Mountain Residents Association and grant the conditional use permit for the Open Window School with conditions as imposed by the Hearing Examiner. Mr. Mosher seconded the motion.

Mayor Marshall handed the gavel to Deputy Mayor Degginger and requested to be recognized. Mrs. Marshall proposed three amendments to the motion, two related to Hearing Examiner Condition #6 and one concerning the applicant's offer to contribute \$5,000 toward a traffic signal. Mrs. Marshall said Condition #6 should be revised to conform to the Hearing Examiner's original intent that subsections (a) through (l) of that condition apply at all times, not just during evening and weekend periods and when there is snow. Mrs. Marshall feels the record is clear that the applicant has voluntarily offered to accept such a change as well as other changes in that condition that will clarify its intent.

- ➔ Mrs. Marshall moved to amend the main motion to accept the applicant's offered amendments to Condition #6 in which subsections (a) through (l) of that condition apply at all times, not just during evening and weekend periods and when there is snow. Dr. Davidson seconded the motion.
- ➔ The motion to amend the main motion to accept the applicant's offered amendments to Condition #6 in which subsections (a) through (l) of that condition apply at all times, not just during evening and weekend periods and when there is snow, carried by a vote of 6-0.

Mrs. Marshall feels the restriction imposed in Condition #6 by the Hearing Examiner should be removed so the school's facilities can be used for neighborhood activities. She believes the school should be available for use by the neighbors if the school, in its sole discretion, chooses to make it available. She noted that Comprehensive Plan policies PA-14, -15, -16, and -17 encourage partnerships with nonprofit agencies and school districts to utilize school sites for recreation, meeting space, athletic instruction, and special activities. Pursuant to those policies, Mrs. Marshall proposed a second amendment.

- ➔ Mrs. Marshall moved to amend the main motion to further amend Condition #6 so that the first sentence reads as follows: "To control potential weekend and evening use of the school facilities by the school or a community group and related traffic impacts to the community, all such activity shall be limited to Open Window School functions unless Open Window School, in its sole discretion, opens its facilities to use for neighborhood activities." Dr. Davidson seconded the motion.

Responding to Deputy Mayor Degginger, Wilder Dominick identified her address as 9540 NE 42nd Place, Yarrow Point, 98004, and her position as the head of Open Window School. She voiced the school's support for the amendments.

- The motion to amend the main motion to further amend Condition #6 so that the first sentence reads as follows: “To control potential weekend and evening use of the school facilities by the school or a community group and related traffic impacts to the community, all such activity shall be limited to Open Window School functions unless Open Window School, in its sole discretion, opens its facilities to use for neighborhood activities” carried by a vote of 6-0.

Continuing, Mrs. Marshall noted that the applicant, at the February 5, 2001, hearing, agreed to a condition to pay \$5,000 toward a traffic signal at Cougar Mountain Way SE and Lakemont Boulevard.

- Mayor Marshall moved to amend the main motion to add a condition that Open Window School contribute \$5,000 toward the cost of constructing a traffic signal at Cougar Mountain Way SE and Lakemont Boulevard. If the traffic signal is not installed within six years of the issuance of a building permit for the school, the money will be returned to the applicant. Dr. Davidson seconded the motion.

Ms. Dominick said the school is willing to accept the condition.

- The motion to amend the main motion to add a condition that Open Window School contribute \$5,000 toward the cost of constructing a traffic signal at Cougar Mountain Way SE and Lakemont Boulevard, if the signal is installed within six years of the issuance of the school’s building permit, carried by a vote of 6-0.
- ☞ The motion to deny the appeal of Cougar Mountain Residents Association and grant the conditional use permit for the Open Window School with conditions as imposed by the Hearing Examiner, and as amended by Mayor Marshall’s three motions, carried by a vote of 6-0.

Mayor Marshall reassumed the gavel and asked staff to prepare the appropriate ordinance denying the appeal and approving the conditional use permit, with additional conditions, for Open Window School. Councilmember Lee rejoined the meeting.

8. Consent Calendar

- ☞ Mr. Creighton moved to approve the Consent Calendar, and Mr. Mosher seconded the motion.

Mr. Lee commented on agenda item 8(b) regarding the City’s agreement with the Yakima County Jail. This action will save the City approximately \$2.4 million over a seven-year period. Mr. Lee complimented staff for their work on this initiative and thanked Councilmembers for their support.

- ☞ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of May 13, 2002 Extended Study Session
Minutes of May 20, 2002 Study Session
Minutes of May 20, 2002 Regular Session
- (b) Resolution No. 6707 authorizing execution of an interlocal agreement with Yakima County for the long-term housing of Bellevue inmates in the Yakima County jail and with several King County cities for creation of a Jail Administrative Group to establish the rights, duties, and responsibilities of the cities to one another in administering the long-term agreement with Yakima.
- (c) Motion to approve payment of claims for the period ending June 10, 2002, and payroll for the period May 16 through May 31, 2002.
- (d) Resolution No. 6708 authorizing execution of an Interlocal Agreement with the cities of Redmond, Kirkland, Bothell, Shoreline, Woodinville Fire & Life Safety, City of Snoqualmie, Mercer Island, King County Fire Protection District No. 16 (Northshore), Eastside Fire and Rescue, King County Fire Protection District No. 45 (Duvall), and King County Fire Protection District No. 27 (Fall City) for technical rescue.
- (e) Ordinance No. 5374 regarding door-to-door solicitation; and repealing Sections 11 (part) and 27 (part) of Ordinance No. 3516 and Bellevue City Code 10A.96.040, Peddlers declared nuisance.
- (f) Ordinance No. 5375 authorizing execution of a grant agreement with the Washington State Department of Ecology to accept grant funding to develop and renovate the Lake Hills Ranger Station; establishing a project within the Park Department Operating Grants and Donations Fund by appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
- (g) Resolution No. 6709 authorizing execution of an agreement with Bratwear to provide uniforms to the Police Department.
- (h) Ordinance No. 5376 authorizing execution of a grant contract with the State of Washington Department of Community, Trade, and Economic Development to accept grant funds for the Eastside Narcotics Task Force; establishing a project within the Operating Grants and Donations Fund by appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
- (i) Resolution No. 6710 authorizing extension of Amendment 1 to the interlocal agreement establishing the Washington City and County Pipeline Safety Consortium to extend the agreement until June 5, 2003.
- (j) Ordinance No. 5377 amending the 2001-2007 Capital Investment Program Plan by reducing the fund appropriation by \$2,300,000 within CIP Plan No. PW-I-46,

I-405/Bellevue Access Downtown Project, to reflect a change in Lead Agency status with regard to ISTEA STP (U) funds.

- (k) Resolution No. 6711 authorizing execution of a consultant services agreement in an amount not to exceed \$120,000 with CH2M Hill Engineers for engineering services for the Coal Creek stabilization project. (CIP Plan No. D-69)
- (l) Resolution No. 6712 authorizing execution of a professional services agreement with CHS Engineers in the amount of \$80,650 for engineer services for the Odor Abatement – Pump Station No. 12 and Bagley Pump Station. (CIP Plan No. S-16)

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 5378 approving the rezone application of Novadyne Engineering, LLC, to rezone approximately 1.88 acres from R-1 (single family, one unit per acre) to R-1.8 (single family, 1.8 units per acre) near the intersection of SE Cougar Mountain Way and 166th Way SE in the Newcastle Subarea.

Carol Helland, Land Use Director, described the application of Novadyne Engineering to rezone 1.88 acres near the intersection of SE Cougar Mountain Way and 166th Way SE from R-1 to R-1.8 (single family, 1.8 units per acre). She said the proposal is consistent with the 1995 Lakemont Land Use Study and the Newcastle Subarea Plan. Council approved a similar request in February for the Dees property.

- ➡ Deputy Mayor Degginger moved to adopt Ordinance No. 5378, and Mr. Creighton seconded the motion.
- ➡ The motion to adopt Ordinance No. 5378 carried by a vote of 6-1, with Mr. Lee dissenting.

Mr. Lee stated his opposition to increasing densities in the Cougar Mountain area.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 6713 authorizing execution of all necessary documents for the purchase of approximately 19,720 square feet of land, located at 9755 Lake Washington Boulevard NE from Joseph E. Rausch and Bernadette A. Rausch for the purchase price of \$1,030,000, plus closing costs estimated to be \$3,000.

Parks and Community Services Director Patrick Foran described the proposal to authorize the City Manager to execute all documents necessary to purchase land located at 9755 Lake Washington Boulevard NE for the purchase price of \$1,030,000 from Joseph E. Rausch and Bernadette A. Rausch. Mr. Foran said the site is surrounded by City-owned property in the area

of Meydenbauer Beach Park. Acquisition of the Rausch property will help the City realize its vision to connect Meydenbauer Bay marinas with the park.

- ➡ Deputy Mayor Degginger moved to approve Resolution No. 6713, and Mr. Lee seconded the motion.

Mayor Marshall thanked Mrs. Patricia Montgomery for her role in helping the City to accomplish its goal of waterfront open space acquisition.

- ➡ The motion to approve Resolution No. 6713 carried by a vote of 7-0.
 - (b) Resolution No. 6714 resolving to annex to the City, pursuant to RCW 35A.14.295 et seq., an unincorporated island of residential property comprising 5.67 acres located at 6114 164th Avenue SE, commonly referred to as the Cole annexation area; providing conditions for such annexation; and providing for a public hearing on such annexation. *(Should Council resolve to annex the Cole property, action on the annexation ordinance will be scheduled for August 5.)*

Nicholas Matz, Associate Planner, described the proposal to annex to the City a 5.67-acre site located at 6114 164th Avenue SE, commonly referred to as the Cole annexation, under the unincorporated island method of annexation. This method is a two-step legislative process in which the annexing city first declares its resolve to annex the island by passing a resolution. Resolution No. 6714 represents this first step. Under a separate action, the annexing city considers an ordinance actually annexing the island.

- ➡ Deputy Mayor Degginger moved to approve Resolution No. 6714, and Mr. Lee seconded the motion.
- ➡ The motion to approve Resolution No. 6714 carried by a vote of 7-0.

12. Unfinished Business

- (a) Management Brief Responding to Lakemont Highlands Division II's Request for a Development Moratorium

City Manager Steve Sarkozy said the Board of Directors of Lakemont Highlands Division II has requested that City Council consider adopting a development moratorium until the City can perform an environmental analysis to determine the effects of further development on Lewis Creek and its salmonid habitat.

Planning and Community Development Director Matt Terry said staff has responded to this request in a number of ways. First, staff acknowledges the work of Dr. Horner and others published in 2000 regarding the general effect of urbanization on salmonid streams. Dr. Horner and others suggest that the preservation of tree cover is a significant factor in preserving the salmon habitat.

Mr. Terry said King County, and later the City, made a conscious decision years ago to allow urbanization of this area. The City is committed to preserving the natural environment to the extent possible while accommodating urban growth in this area. Mr. Terry said the Lakemont area is now approximately 93 percent developed. He said the City has worked to control the impacts of urbanization through its critical area regulations, limits on development by the acquisition of certain parcels with critical habitat value, the control of nutrient discharges, and its forest management practices.

Mr. Terry said development of the remaining parcels of land will not have a significant negative impact on the Lakemont area. Staff recommends that City Council not adopt a moratorium for the area.

Deputy Mayor Degginger, a resident of Lakemont Highlands Division II, agreed that the City has been careful about preserving the Lewis Creek habitat. He commented on the beauty of the area and its abundant wildlife.

Councilmembers did not express an interest in pursuing a development moratorium.

13. Continued Oral Communications: None.

14. New business: None.

15. Executive Session: None.

16. Adjournment

At 9:02 p.m., Mayor Marshall declared a break before returning to executive session to discuss one item of potential litigation and one item of pending litigation.

Myrna L. Basich
City Clerk

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